

Regular Session, 2004

SENATE BILL NO. 311

BY SENATOR FONTENOT AND REPRESENTATIVE WHITE

SCHOOLS. Creates and provides for the Central Community School Board and school system in East Baton Rouge Parish.

AN ACT

To enact R.S. 17:58.2(H), 65, and 65.1, relative to the Central community school system; to provide for the school system, including its establishment and boundaries; to provide for the school board and an interim board of control; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:58.2(H), 65, and 65.1 are hereby enacted to read as follows:

§58.2. East Baton Rouge Parish School Board; reapportionment; election districts; terms

\* \* \*

**R.S. 17:58.2(H) is all proposed new law.**

H.(1) In addition to any other requirements in this Section, in the event the

1 Central Community School Board begins the actual operation of educating students  
2 within its jurisdiction as a separate school system in accordance with R.S. 17:65, the  
3 East Baton Rouge Parish School Board shall develop a plan to divide the parish,  
4 excluding the geographic area within the boundaries of the Central community school  
5 system, into single-member districts from each of which one member of said board  
6 shall be elected. Such districts shall be drawn with as equal population as possible,  
7 using population figures from the most recent federal decennial census.

8 (2) Prior to the final adoption of such plan, the East Baton Rouge Parish  
9 School Board shall order a public hearing on the proposed plan and shall cause to be  
10 published in a newspaper published within the parish of East Baton Rouge, with  
11 parishwide circulation, at least twenty days prior to the date of such hearing, the time  
12 and place thereof, a general summary and a map of the proposed plan, and the times  
13 and places where copies of the proposed plan are available for public inspection.

14 (3) Notwithstanding any law to the contrary, each elected member of the East  
15 Baton Rouge Parish School Board holding office on the date the Central Community  
16 School Board begins the actual operation of educating students within its jurisdiction  
17 as a separate school system shall serve the remainder of the term of office for which  
18 elected. If a vacancy occurs during said term of office, it shall be filled in accordance  
19 with law from districts in effect at the time the office is filled.

20 (4) At the next date on which a regular election for the election of members  
21 of the East Baton Rouge Parish School Board would be held following the date the  
22 Central Community School Board begins the actual operation of educating students  
23 within its jurisdiction as a separate school system, the members of the East Baton  
24 Rouge Parish School Board shall be elected from single-member districts adopted in  
25 accordance with this Subsection. The members so elected and their successors in  
26 office shall serve four-year concurrent terms. Thereafter, the East Baton Rouge  
27 Parish School Board shall be reapportioned as otherwise provided by law.

28 \* \* \*

29 §65. Central Community School Board and school system; creation; membership;

1 qualifications; apportionment; election; powers, duties, and functions;  
2 system operation

3 **R.S. 17:65 is all proposed new law.**

4 A.(1) Notwithstanding any provision of law to the contrary, upon the  
5 appointment of members of the interim school board as provided in R.S. 17:65.1,  
6 there shall be established a separate school system and school board for the Central  
7 community in East Baton Rouge Parish. The school board shall be designated the  
8 Central Community School Board. The board shall be composed of seven members,  
9 one from each of the single-member districts provided for in Subsection B of this  
10 Section who shall be electors and shall meet the qualifications for office provided in  
11 R.S. 17:52(D) and (E).

12 (2) The geographic boundaries of the school system shall be as follows:  
13 Commence at a point on the eastern bank of the Comite River at its intersection with  
14 the northerly boundary of Louisiana Highway 64, and proceed in an easterly direction  
15 along a line 400 feet north of and parallel to the northern boundary of Louisiana  
16 Highway 64 to its intersection with the western boundary of Louisiana Highway 409;  
17 thence proceed in a northerly direction along the eastern boundary of Louisiana  
18 Highway 409 to its intersection with the western bank of the body of water known  
19 as Sandy Creek; thence proceed in a southerly direction to its intersection with the  
20 western banks of the Amite River; thence proceed in a southerly direction along the  
21 western bank of the Amite River to its intersection with the eastern bank of the  
22 Comite River; thence proceed in a northerly direction along the easterly bank of the  
23 Comite River to the point of beginning.

24 B.(1) By not later than ninety days after the appointment of the members of  
25 the interim school board as provided in R.S. 17:65.1, the interim school board shall  
26 develop and adopt a plan to divide the Central community school system into seven  
27 single-member districts from each of which one member of the Central Community  
28 School Board shall be elected. The districts shall be drawn in a manner such that each  
29 member of the Central Community School Board represents as nearly as possible the

1 same number of persons, using population figures from the latest federal decennial  
2 census, and shall be effective in time for qualifying for office for a special election for  
3 school board members to be held at the time and place of voting for municipal primary  
4 and municipal general elections in 2005. School board members elected at this time  
5 shall take office at noon on the second Monday in December next following the  
6 election and shall serve until the taking of office of the school board members elected  
7 as provided in Subsection C of this Section.

8 (2) If the special election for school board members provided for in Paragraph  
9 (1) of this Subsection is not held, such election shall be held on the dates for the next  
10 available special election authorized by R.S. 18:402(E) to fill newly created offices.  
11 School board members elected at this time shall take office at noon on the third  
12 Monday next following the general election date authorized for such available special  
13 election and serve until the taking of office of the school board members elected as  
14 provided in Subsection C of this Section.

15 (3) Prior to the final adoption of the apportionment plan required by  
16 Paragraph (1) of this Subsection, the interim school board shall order a public hearing  
17 on the proposed plan and shall cause to be published in its official journal at least  
18 twenty days prior to the date of such hearing, the time and place thereof, a general  
19 summary and map of the proposed plan, and the times and places where copies of the  
20 proposed plan are available for public inspection.

21 C. Except as otherwise provided in this Section and in R.S. 17:65.1 for the  
22 initial elected members of the board, each member of the Central Community School  
23 Board shall be elected at the time and place provided by law generally for parish  
24 school board members. The members of the Central Community School Board  
25 elected in 2006 shall take office as otherwise provided by law generally for parish  
26 school board members and such members and their successors in office shall serve for  
27 four-year concurrent terms.

28 D. Vacancies on the board shall be filled as provided by law generally for  
29 parish school boards.

1 E.(1) The organization of the Central Community School Board as well as the  
2 board's powers, duties, functions, and responsibilities shall be as provided by law  
3 generally for city, parish, and other local public school boards. Compensation for  
4 board members and reimbursement for expenses also shall be as provided by law  
5 generally for city, parish, and other local public school board members.

6 (2) The Central Community School Board shall adopt rules, regulations, and  
7 procedures consistent with law to effectuate this Section and to administer the duties,  
8 functions, and responsibilities of the board.

9 F.(1) The Central Community School Board shall begin actual operation of  
10 providing for the education of students within its jurisdiction on July 1, 2007. If the  
11 school board is unable to comply with this requirement due to an order by a court of  
12 competent jurisdiction, the board shall begin actual operation of providing for the  
13 education of students within its jurisdiction on July first next following the date on  
14 which a final judgment is obtained permitting the actual operation of the Central  
15 community school system or on such date as may be provided by such judgment.  
16 Beginning on the date the school board begins actual operation of providing for the  
17 education of students and thereafter, notwithstanding any provision of law or rule or  
18 regulation to the contrary and pursuant to the duty and responsibility placed with the  
19 legislature by Article VIII, Section 1 of the Constitution of Louisiana to establish and  
20 maintain a public educational system and the authority granted the legislature by  
21 Article VIII, Section 10(A) of the Constitution of Louisiana to enact laws affecting  
22 parish school board systems in existence on the effective date of the constitution, all  
23 lands, buildings and improvements, facilities, and other property having title vested  
24 in the public and subject to management, administration, and control by the East  
25 Baton Rouge Parish School Board for public education purposes but located within  
26 the geographic boundaries of the Central community school system or used to provide  
27 student transportation services to such facilities, or both, shall be managed,  
28 administered, and controlled by the Central Community School Board.

29 (2) In the absence of a mutual agreement between the East Baton Rouge

1 Parish School Board and the Central Community School Board on questions of  
2 ownership of the lands, buildings and improvements, facilities, and other property  
3 having title vested in the public and subject to management, administration, and  
4 control by the East Baton Rouge Parish School Board for public education purposes  
5 but located within the geographic boundaries of the Central community school system  
6 or used to provide student transportation services to such facilities, or both, the  
7 Central Community School Board shall enter into arbitration proceedings to resolve  
8 such questions.

9 §65.1. Central community school system; interim school board

10 **R.S. 17:65.1 is all proposed new law.**

11 A. Notwithstanding any provision of law to the contrary, upon the  
12 appointment of the members thereof as provided in Subsection C of this Section, there  
13 shall be and there is hereby created an interim school board for the Central community  
14 school system which shall continue in existence until the taking of office of the initial  
15 elected members of the Central Community School Board as provided by R.S. 17:65.

16 B.(1) The interim school board shall be composed of seven members  
17 appointed at large as provided in Subsection C of this Section. An interim school  
18 board member shall have attained the age of eighteen, be an elector, have resided in  
19 the state for the two years preceding appointment, have been actually domiciled  
20 within the geographic boundaries of the school system for at least one year preceding  
21 appointment, meet the qualifications provided in R.S. 17:52(D), and actually reside  
22 within the geographic boundaries of the school system.

23 (2) Membership on the interim school board shall not disqualify an otherwise  
24 eligible person from qualifying as a candidate for election as a member of the Central  
25 Community School Board.

26 C.(1) All members of the interim school board shall be appointed by the  
27 governor within thirty days after the effective date of this Section and shall serve until  
28 the taking of office of the initial members of the Central Community School Board  
29 elected as provided in R.S. 17:65.

(2) Members appointed by the governor shall be from a list of nominees provided as follows:

(a) The members of the Louisiana House of Representatives elected from District Number Sixty-four and District Number Sixty-five each shall nominate three persons meeting the qualifications for office for each position to be appointed by the governor.

(b) The member of the Louisiana Senate elected from District Number Seventeen shall nominate three persons meeting the qualifications for office for each position to be appointed by the governor.

(3) A vacancy on the interim school board shall be filled in the same manner as the original appointment.

D. The interim school board shall constitute a body corporate in law. The organization of the interim school board as well as the board's powers, duties, functions, and responsibilities shall be as provided by law generally for city, parish, and other local public school boards. Compensation for board members and reimbursement for expenses also shall be as provided by law generally for city, parish, and other local public school boards.

E.(1) The interim school board shall adopt rules, regulations, and procedures consistent with law to effectuate this Section and to administer the duties, functions, and responsibilities of the interim board. Additionally, the interim school board shall call for a special election to elect the initial members of the Central Community School Board. It shall be held as provided in R.S. 17:65(B)(1).

(2) If the special election for school board members provided for in Paragraph (1) of this Subsection is not held, such election shall be held on the next available dates thereafter authorized by R.S. 18:402(E) for special elections to fill newly created offices.

F. The provisions of R.S. 42:4.1 through 13 relative to open meetings and the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, relative to public records shall be applicable to the interim school board and its members.

1                   G. All authority granted to the interim school board by this Section shall  
2                   expire upon the taking of office of the initial members of the Central Community  
3                   School Board elected as provided by R.S. 17:65(B); however, the school board may  
4                   take formal action to continue the interim school board as an advisory body on  
5                   matters previously under the jurisdiction of the interim board.

6                   Section 2. This Act shall take effect and become operative if and when the proposed  
7                   amendment of Article VIII, Section 13(D) of the Constitution of Louisiana contained in the  
8                   Act which originated as Bill No. \_\_\_\_\_ of this 2004 Regular Session of the Legislature is  
9                   adopted at the election to be held on November 4, 2004, and becomes effective.

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The original instrument and the following digest, which constitutes no part of  
the legislative instrument, were prepared by Diane M. Burkhart.

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#### DIGEST

Proposed law establishes a separate school system and school board for the Central community in East Baton Rouge Parish. Specifies the geographic boundaries of the school system and provides that the Central Community School Board shall be composed of seven members elected from single-member districts.

Provides that, by not later than 90 days after the appointment of the interim school board, the interim board shall divide the Central community school system into seven single-member districts from each of which one member of the Central Community School Board shall be elected. Requires the districts to be effective in time for qualifying for office for a special election for school board members to be held at the time and place of voting for municipal primary and municipal general elections in 2005. Provides that school board members elected at this time shall take office at noon on the second Monday in December next following the election and serve until the taking of office of the school board members elected in 2006. Alternatively, provides that if the special election is not held in 2005, the election shall be held on the dates of the next available special election to fill newly created offices. Requires school board members elected at this time to take office at noon on the third Monday next following the general election date authorized for such available special election.

Provides that prior to the final adoption of the required apportionment plan, the interim school board shall order, publicize, and hold a public hearing on the proposed plan. Specifies the details of information to be made available.

Provides that each member of the Central Community School Board shall be elected at the time, serve terms, fill vacancies, have powers and duties, and be compensated as provided by law generally for local school boards.

Specifies that the Central Community School Board shall begin actual operation of providing for the education of students within its jurisdiction on July 1, 2007. States that if the board is unable to comply with this requirement due to an order by a court of competent jurisdiction, the board shall begin its initial year of actual operation on July 1 next following the date on which a final judgment is obtained permitting the actual operation of the school system or on such date as may be provided by the judgment.



Provides that on the date such actual operation begins and thereafter, all lands, buildings and improvements, facilities, and other property having title vested in the public and subject to management, administration, and control by the East Baton Rouge Parish School Board for public education purposes but located within the geographic boundaries of the Central community school system or used to provide student transportation services to such facilities, or both, shall be managed, administered, and controlled by the Central Community School Board. States that in the absence of a mutual agreement between the East Baton Rouge Parish School Board and the Central Community School Board on questions of ownership of such lands, buildings and improvements, facilities, and other property, the Central Community School Board shall enter into arbitration proceedings to resolve such questions.

Proposed law creates an interim school board for the Central community school system and provides that the interim board shall continue in existence until the taking of office of the initial elected members of the Central Community School Board. Provides for all members of the interim school board to be appointed by the governor within 30 days after the effective date of proposed law.

Specifies that all authority granted to the interim school board by proposed law shall expire upon the taking of office of the initial elected members of the Central Community School Board. However, permits the school board, by formal action, to continue the interim school board as an advisory body on matters previously under the jurisdiction of the interim board.

Proposed law provides that in the event the Central Community School Board begins the actual operation of educating students within its jurisdiction as a separate school system, the East Baton Rouge Parish School Board shall develop a plan to divide the parish, excluding the area of the Central community school system, into single-member districts from each of which one member of said board shall be elected.

Provides that each elected member of the East Baton Rouge Parish School Board holding office on the date the Central Community School Board begins the actual operation of educating students within its jurisdiction as a separate school system shall serve the remainder of the term of office for which elected. States that if a vacancy occurs during said term of office, it shall be filled in accordance with law from districts in effect when filled.

Provides that at the next date on which a regular election for the election of members of the East Baton Rouge Parish School Board would be held following the date the Central Community School Board begins the actual operation of educating students as a separate school system, the members of the East Baton Rouge Parish School Board shall be elected from single-member districts adopted in accordance with proposed law. States that the members so elected and their successors in office shall serve four-year concurrent terms.

Effective if and when the constitutional amendment proposed by Bill No. \_\_\_\_ of the 2004 R.S. granting the Central community school system certain authority granted parishes relative to financing schools is adopted and becomes effective.

(Adds R.S. 17:58.2(H), 65, and 65.1)